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APRIL 11, 2005

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Kathy Stroh Mendoza  
Deputy Attorney General  
(973) 648-7454

State of New Jersey  
Department of Law and Public Safety  
Division of Consumer Affairs  
Board of **Medical** Examiners  
OAL DOCKET NO.: BDS 2872-2004s

IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF  
**MARSHALL PRESSMAN, D.O.**  
**LICENSE NO. MB30456**

Administrative Action

**CONSENT ORDER**

TO PRACTICE MEDICINE AND  
SURGERY IN THE STATE OF  
NEW JERSEY

This matter was opened by the New Jersey State Board of Medical Examiners (hereinafter "the Board") upon receipt of information alleging that Respondent's billing practices **violated** the New Jersey statutes on personal injury protection ("PIP") benefits and regulations adopted by **the** New Jersey Department of Insurance. Specifically, **it** has been alleged that Respondent grossly deviated from the **accepted** standard of care in his treatment of S.W. and V.W. and deviated from *the* accepted standard of care by excessive treatment of two undercover investigators who received Respondent's standard treatment plan.

**CERTIFIED TRUE COPY**

On March 22, 2000, Respondent appeared with then counsel, Andrew J. Karcich, Esq. and testified under oath at an investigative inquiry held by a Committee of the Board to discuss the quality of **care** and **fee** structure of Respondent's practice.

Having reviewed the entire **record**, including the testimony of Respondent at the investigative inquiry, it **appears** to the Board **that** the facts before it establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(b) and (d).

The Attorney General filed a Complaint with the Board on March 23, 2004. Marshall Pressman, D.O. denied **all** charges in his Answer. The matter was transferred from the Board to the Office of Administrative Law, where a hearing was scheduled before The Honorable Solomon Metzger, A.L.J. Prior to commencement of the hearing, on January 24, 2005, **the** parties reached an agreement and a settlement was put on the record.

Respondent, being desirous to resolve the matter without recourse **to** further proceedings and without specific admission and the Board finding the within resolution to be in the public interest, for **good** cause shown and in full resolution of the matter.

IT IS ON THIS 11TH day of APRIL, 2005

HEREBY ORDERED AND AGREED THAT:


1. Respondent Marshall Pressman is hereby reprimanded.
2. Respondent Marshall Pressman shall serve a **period** of probation of one year beginning with the filing of this Consent Order.

3. During the **period** of probation, Respondent Marshall Pressman shall submit to the monitoring of his practice by means of quarterly submission of records to the Board. Records of the first five (5) PIP cases and the first five (5) personal injury cases for the months designated by the Board shall be submitted **quarterly** to Joseph Gluck, M.D., Medical Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183 beginning upon entry of this Consent Order.
4. Respondent shall divest himself of all interest in Delaware Valley Primary Care and Occupational Medicine within ninety (90) days of the date of the **entry** of this **Consent Order** and shall **provide** proof of such divestiture to the Board and to the Attorney General.
5. Respondent shall successfully complete an ethics **course** within ninety (90) days of the date of this **Consent Order**. The course shall be approved by the **Board** in writing prior to **attendance**. **Successful** completion shall be with an unconditional passing grade.
6. Respondent shall reimburse the insurance carrier Liberty Mutual Insurance Co. \$5,543.00 for payments received by him from the insurance carrier for treatment of two undercover investigators. Payment shall be submitted by **certified check or money order** made payable to Liberty Mutual Insurance Co. and shall be sent to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183 no later than thirty (30) days of the entry of this Consent Order. The Board will in turn send the payment to the insurance carrier.
7. Respondent shall pay a civil penalty of \$10,000.00 pursuant to N.J.S.A. 45:1-25 for his conduct. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183 no later than thirty (30) days from **the** entry of this Consent Order.
8. Respondent shall pay investigative **costs** in the amount of \$30,457.00. Payment shall **be** submitted by certified check or money order made payable within sixty (60) days **of** the entry of this Consent Order to the State of New Jersey and shall be sent to William V. Roeder, Executive Director, **New Jersey**

State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

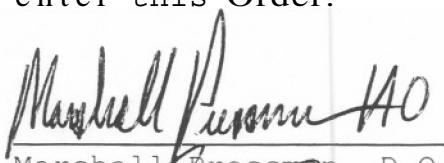
9. The attached Order and Directives **Applicable** to Any Medical Board Licensee Who Is **Disciplined** or Whose Surrender of Licensure Has **Been** Accepted are incorporated herein and made a part hereof.

NEW JERSEY BOARD OF MEDICAL EXAMINERS

  
By: Bernard Robins, M.D., F.A.C.P.  
President

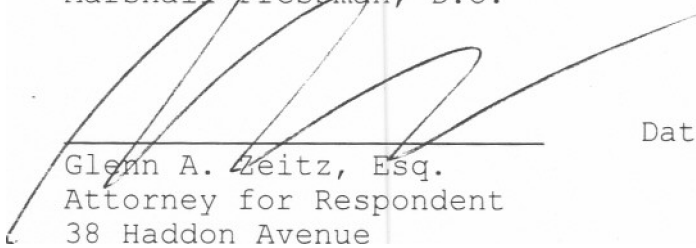
Dated: April 11, 2005

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Marshall Pressman, D.O.

Dated:

3/29/05

  
Glenn A. Zeitz, Esq.  
Attorney for Respondent  
38 Haddon Avenue  
Haddonfield, New Jersey 08033  
(856)795-6660

Dated:

3/29/05

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board **are** required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, **as** required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply **when** a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at **Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183**, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee **may** contact the **Board** office for the return of the documents previously surrendered to the Board. In addition, at **the** conclusion of the term, the licensee **should** contact the **DEA** to advise of the resumption of practice and to ascertain the impact of that change upon his/her **DEA** registration.)

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only **bans** a licensee from rendering professional services, but also from providing **an** opinion **as** to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee **is also** prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the **use of** his/her provider **number by** any health care practice or any other licensee or health care provider. (In situations where the licensee has been **suspended** for **less** than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed **at the time of the Board action**.)

A licensee whose license **has** been revoked, suspended for one (1) **year** or more or permanently surrendered must remove signs and take affirmative action to stop advertisements **by** which his/her eligibility to practice is represented. The licensee must also take **steps** to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's **name** is utilized **in** a group practice title, it shall **be** deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at **the** location, all medications must be removed **and** returned to the manufacturer, if possible, **destroyed** or safeguarded. (In situations where a license has **been suspended** for **less** than one year, prescription **pads** and medications need not be destroyed **but** must **be** secured in a locked place for safekeeping.)

### 3. **Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered **by** him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services **lawfully** rendered and **disbursements** incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who **is** a shareholder in a professional service corporation organized to **engage** in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) **year** or more shall be deemed to **be** disqualified from the practice within the **meaning** of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the **professional** service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who **is** a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within **90 days** following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. **Upon** divestiture, a licensee shall forward to the Board **a** copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee **is** the **sole** shareholder in **a** professional service corporation, the corporation **must** be dissolved within 90 days of the licensee's disqualification.

### 4. **Medical Records**

If, **as** a result of the Board's action, a practice **is** closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a **message** will be delivered to patients calling the former office premises, advising where records may be obtained. The message should **inform** patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The **same** information shall **also be** disseminated **by** means of a notice to **be** published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice **was** conducted. At the end of the three month **period**, the licensee shall file with the Board the name and telephone number of the contact person who will have **access** to medical records of former patients. Any change **in** that individual or his/her telephone number shall be promptly reported **to** the Board. When a patient or his/her representative requests **a copy** of his/her

medical record or **asks** that record **be** forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

With **respect** to **any** licensee who **is** the subject of any Order imposing a probation or monitoring requirement or **a** stay of an active **suspension**, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with **the** Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the **expense** of the disciplined practitioner.

(a) Monitoring of practice conditions **may** include, but is **not** limited to, inspection of the professional premises and equipment, **and** inspection and copying of patient records (confidentiality of patient identity shall be protected **by** the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of **status** conditions for **an** impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted **by law** from any treatment facility, other treating practitioner, **support** group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, **or** maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring **has** been ordered, the practitioner shall fully cooperate by responding to a demand for **breath**, blood, urine or other sample in a timely manner and providing the designated sample.

## ADDENDUM TO THE DIRECTIVES

Any licensee who is the subject of **an** order of the Board suspending, revoking or otherwise conditioning the license, **shall** provide **the** following information at the time that the order **is** signed, if it is entered by consent, or immediately **after** service of a fully executed **order** entered after a hearing. The information required here **is** necessary for the Board to fulfill **its** reporting obligations:

Social Security Number': \_\_\_\_\_

**List** the name and **address** of **any** and all **Health** Care Facilities with which **you** are affiliated:

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**List** the names **and** addresses of any and all Health Maintenance Organizations with which **you** are affiliated:

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Provide the names and **addresses** of every person with whom you are associated in your professional practice: ( **You** may attach a blank sheet of stationery bearing this information).

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Pursuant to **45** CFR Subtitle A **Section** 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.



**NOTICE OF REPORTING 'PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the **New Jersey State Board** of Medical Examiners **are** available for public inspection. Should **any** inquiry **be** made concerning the status of a licensee, the inquirer will **be** informed of the existence of the order **and a** copy **will be** provided if requested. **All evidentiary hearings**, proceedings on motions or other applications which **are** conducted as public hearings **and** the record, including **the** transcript and documents **marked** in evidence, are available for public inspection, **upon** request

Pursuant to **45 CFR Subtitle A 60.8**, **the** Board **is** obligated to report to **the** National Practitioners Data Bank any action relating to a physician which is based on reasons **relating to** professional competence or professional conduct:

- (1) **Which** **revokes** or suspends (**or** otherwise restricts) a license,
- (2) **Which** censures, reprimands **or places** on probation,
- (3) Under which a license **is** surrendered.

Pursuant to **45 CFR Section 61.7**, **the** Board is obligated to **report** to the Healthcare Integrity and Protection (HIP) Data Bank, **any** formal or official actions, **such as** revocation or suspension of a license (**and** the length of any such **suspension**), **reprimand**, **censure** or probation or any other **toss** of license **or the** right to **apply** for, or **renew**, a license of **the** provider, supplier, or practitioner, whether **by** operation of **law**, voluntary surrender, non-renewability, or otherwise, **or** any other negative action or finding by such Federal or State **agency** that **is** publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board **refuses** to **issue**, **suspends**, **revokes** or **otherwise** places conditions on a license **or** permit, it is obligated to notify each licensed health care facility **and** health maintenance organization with which a licensee **is** affiliated and every other board licensee **in** this state with whom **he** or **she** is directly associated in private medical practice.

In accordance with an agreement with the Federation of State **Medical Boards** of the United **States**, a list of all disciplinary orders are **provided** to that organization on a **monthly** basis.

Within **the** month following entry of an order, a **summary** of **the** order will appear on the **public** agenda for **the** next monthly Board meeting **and is** forwarded to those **members** of the **public** requesting a copy. In addition, the **same** summary will appear in the minutes of that Board meeting, which are also made available to those requesting a **copy**.

Within **the** month following entry of an order, a **summary** of the order will appear in a Monthly Disciplinary Action Listing which is made **available** to **those** **members** of the public requesting a copy.

On a periodic basis **the** Board disseminates to its licensees a newsletter which includes a **brief** description of **all** of the orders entered **by** the Board.

From **time** to time, **the** Press Office of the Division of Consumer **Affairs** may issue **releases** including the summaries of the content of public **orders**.

Nothing herein is intended in any **way** to limit the Board, the Division or the Attorney General from disclosing any public document.